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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|----------------------|------------------|
| 10/722,327 | 11/25/2003 | Eric Restani | GSQZ 2 00059 | 6507 |
| 7590 | 07/05/2005 | | EXAMINER | |
| Thomas E. Kocovsky, Jr. FAY, SHARPE, FAGAN, MINNICH & McKEE, LLP Seventh Floor 1100 Superior Avenue Cleveland, OH 44114-2518 | | | WALTERS, JOHN DANIEL | |
| | | ART UNIT | PAPER NUMBER | |
| | | 3618 | | |
| DATE MAILED: 07/05/2005 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-----------------|---------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/722,327 | RESTANI, ERIC | |
| | Examiner | Art Unit | |
| | John D. Walters | 3618 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-15 is/are pending in the application.
 - 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) 1-7 and 10-15 is/are rejected.
- 7) Claim(s) 8 and 9 is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 25 November 2003 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4/22/04.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: ____.

DETAILED ACTION

Claims 1 – 15 have been examined.

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "3" has been used to designate both "the standard complementary element" (Fig. 1a) and the "variation of the complementary element" (Fig. 6). Page 7, paragraph 2 of the specification states that the variation of the complementary element should carry the designation "3", but Fig. 6 does not show this nomenclature. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities:

- Section headings should appear in upper case without underlining or bold type.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7, 10, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Astier et al. (5,480,175). Astier et al. discloses an interface device between a ski and bindings comprising:

In reference to claims 1 and 15:

- a ski or base (Fig. 1, item 1);
- a complimentary element, i.e. longitudinal connection plate (Fig. 1, item 13) comprising a front, middle, and rear portion (column 2, lines 52-63);
- at least one rim of the complimentary element being laterally supported on a lateral shock absorbing stop made of an elastically deformable material (Fig. 3, item 23b & column 4, lines 26-35).

In reference to claims 2-5:

- the lateral shock absorbing stop is fixed (i.e. set firmly in position) to the upper surface of the base and the lateral retention projection is integral (i.e. essential to completeness) to the base (Figs. 3 and 5);
- the shock absorbing element is sandwiched between the lateral rim of the complementary element and the lateral retention projection, is an integral (i.e. essential to completeness) part of the retention projection, and is fixed (i.e. set firmly in position) at least at one of the lateral rims (column 4, lines 32-5);

In reference to claim 6:

- the lateral rim of the complementary element comprises a hollow profile (Fig. 3, item 25b) and where said hollow profile is shaped to cooperate with the lateral shock absorbing stop (Fig. 3, item 23b);

In reference to claim 7:

- the internal lateral rim is laterally supported on the lateral shock absorbing stop which is arranged on the internal side of the base (Fig. 3, items 23b and 25b & column 4, lines 26-31);

In reference to claim 10:

- wherein the complementary element is joined to the base by fixation elements (Fig. 1, item 22 & column 2, lines 57-58).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Astier et al. (5,480,175). Astier et al. discloses an interface device between a ski and bindings which includes:

- the complementary element being fixed to the base in such a way that allows longitudinal displacement while blocking transverse displacement (column 5, lines 38-42);
- the complementary element is affixed to the base by screws located in oblong holes (Fig. 8, items 70 and 71);

Astier et al. do not address a transversely oriented oblong hole to allow the center section of the complementary element to move in the transverse direction.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to use the screw/oblong hole interface, used for allowing longitudinal movement in the rear section of the complimentary element, to allow for the same movement in the front section of the complimentary element to allow the front and rear of the element to flex in a similar manner.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to rotate the screw/oblong hole interface, used for allowing longitudinal movement in the rear section of the complimentary element, 90° to convert the allowed movement to the lateral direction to provide side to side flex in the center portion of the element.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the screw/oblong hole interface, by either placement of the screw or by the geometry of the oblong hole, to control the amount and direction of flex in the center portion of the element to provide a mechanism to "tune" the ski to various conditions of use.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to use the number of screws necessary to hold the complementary element securely to the base portion of the ski.

Claim Objections

Claims 8 and 9 are objected to because of the following informalities:

- Claim 8 is dependant on claim 1, which has been rejected.
- Claim 9 is dependant on claim 8, which is dependant on claim 1, which has been rejected.

Appropriate correction is required.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kirsch (4,294,460) discloses an alternative means for securing a binding mounting plate to a ski while allowing relative movement between the members.

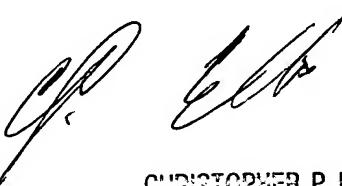
Any inquiry concerning this communication or earlier communications from the examiner should be directed to John D. Walters whose telephone number is (571) 272-8269. The examiner can normally be reached on Monday - Friday, 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Ellis can be reached on (571) 272-6914. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

John D. Walters
Examiner
Art Unit 3618

JDW



CHRISTOPHER P. ELLIS
PATENT EXAMINER
TECHNOLOGY CENTER 3600